



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

SEP 12 2008

Regulatory Branch

Kent Shields
Sagebrush Power Partners, LLC
808 Travis, Suite 700
Houston, Texas 77002

Reference: NWS-2008-696-CRC
Sagebrush Power Partners, LLC

Dear Mr. Shields:

We have reviewed your application to place 232 cubic yards of fill associated with four stream crossings, in unnamed tributaries of Dry Creek and the Yakima River, near Ellensburg, Kittitas County, Washington. Based on the information you provided to us, Nationwide Permit 14, Linear Transportation Projects (Federal Register, March 12, 2007 Vol. 72, No. 47), authorizes your proposal as depicted on the enclosed drawings dated September 11, 2008. In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Nationwide Permit 14, Terms and Conditions*.

We are unable to determine whether or not your project requires individual Water Quality Certification (WQC) from the Washington State Department of Ecology (Ecology). Before you may proceed with the work authorized by this NWP, you must contact the following Ecology office regarding these requirements: Washington State Department of Ecology, Central Regional Office, 15 West Yakima Ave, Suite 200, Yakima, Washington 98902-3401, telephone (509) 575-2616.

If more than 180 days pass without Ecology responding to your individual WQC request, your requirement to obtain an individual WQC becomes waived. You may then proceed to construction.

We have reviewed your project pursuant to the requirements of the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act in regards to Essential Fish Habitat (EFH). We have determined that this project complies with the requirements of NWP National General Condition regarding ESA and will not adversely affect EFH.

We have completed an approved jurisdictional determination for your project area which can be found on our website at <http://www.nws.usace.army.mil/> click on Regulatory, Regulatory/Permits, Recent Jurisdictional Determinations. If you object to this determination, you may request an administrative appeal under our regulations 33 CFR 331 as described in the

enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

Our verification of this NWP authorization is valid for 2 years from the date of this letter unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date, please contact us to discuss the status of your authorization. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the 1899 Rivers and Harbors Act. Also, you must obtain all State and local permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form. Thank you for your cooperation during the permit process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website.

If you have any questions about this letter, please contact me at (206) 764-3262 or via email at Alisa.A.Ralph@usace.army.mil.

Sincerely,



Alisa Ralph, Project Manager
Regulatory Branch

Enclosures